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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,594	12/22/2000	Anthony M. Gambaro	659/620	4494

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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT PAPER NUMBER

3724

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,594

Applicant(s)

GAMBARO ET AL.

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 18-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Information Disclosure Statement

2. The information disclosure statement filed 4/26/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of the foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but IT 1104224 referred to therein has not been considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13, 31-34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blume in view of Perini et al. (EP 0694020 B1).

Blume discloses the method of cutting a plurality of moist substrates comprising the step of: placing the log into a pocket on a cutting support (Fig. 1); advancing the pocket containing the log toward a plurality of cutting blades (Fig. 2 and 12); advancing the pocket containing the rolls away from the cutting blades (Fig. 4); discharging the rolls from the pocket. Blume doesn't show the method of placing a log of moist substrate on a conveyor with moisture content of at least about 50% or 65%, advancing the conveyor and discharging the log from the conveyor onto a transfer plate. However, Perini et al. teaches the method of placing a log of moist substrate on a conveyor (Fig. 1, advancing the conveyor and discharging the log from the conveyor onto a transfer plate (Fig. 2) for the purpose of transferring the core to the track 33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Blume's device by providing the method of placing a log of moist substrate on a conveyor with, advancing the conveyor and discharging the log from the conveyor onto a transfer plate as taught by Perini et al. in order to increase the production and precision of the product.

Regarding the web with moisture content of at least about 50% or 65%, the examiner takes Official Notice that the use of a web with moisture content of at least about 50% or 65% is old and well known in the art for the purpose of increasing the softness and flexibility of the web. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Blume's device by providing the web with moisture content of at least about 50% or 65% in order to increase softness and flexibility of the web.

Regarding claims 2-3, 32 and 33, the modified invention of Blume discloses the log at least 2540 mm long and a diameter from 50 mm to 140 mm (see Background art, Perini et al. (EP 0694020 B1)).

5. Claims 14-17, 35-37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blume in view of Perini et al. (EP 0694020 B1) and Spencer.

Blume discloses the method of cutting a plurality of moist substrates comprising the step of: placing the log into a pocket on a cutting support (Fig. 1); advancing the pocket containing the log toward a plurality of cutting blades (Fig. 2 and 12); advancing the pocket containing the rolls away from the cutting blades (Fig. 4); discharging the rolls from the pocket; and metering the rate at the log is discharged. Blume doesn't show the method of placing a log of moist substrate on a conveyor with a moisture content of at least about 50% or 65%, advancing the conveyor, discharging the log from the conveyor onto a transfer plate and honing the cutting blades while in away position. However, Perini et al. teaches the method of placing a log of moist substrate on a conveyor (Fig. 1, advancing the conveyor and discharging the log from the conveyor onto a transfer plate (Fig. 2) for the purpose of transferring the core to the track 33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Blume's device by providing the method of placing a log of moist substrate on a conveyor with, advancing the conveyor and discharging the log from the conveyor onto a transfer plate as taught by Perini et al. in order to increase the production and precision of the product.

Regarding the web with moisture content of at least about 50% or 65%, the examiner takes Official Notice that the use of a web with moisture content of at least about 50% or 65% is old and well known in the art for the purpose of increasing the softness and flexibility of the web. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Blume's device by providing the web with moisture content of at least about 50% or 65% in order to increase softness and flexibility of the web.

Regarding honing the cutting blades while in the away position, Spencer teaches the method of honing the cutting blades while in the away position for the purpose of avoiding the need to stop the blade for sharpening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Blume's device by providing the method of honing the cutting blades while in the away position as taught by Spencer in order to avoid the need to stop the blade for sharpening.

Regarding claims 15-16, 35 and 37, the modified invention of Blume discloses the log at least 2540 mm long and a diameter from 50 mm to 140 mm (see Background art, Perini et al. (EP 0694020 B1)).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Steiner et al. and Wierschke are cited to show related device.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-

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308-0167. The examiner can normally be reached on Monday thru Thursday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

ofs
July 24, 2002



KENNETH E. PETERSON
PRIMARY EXAMINER